

Agenda Item #:

5E

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: July 22, 2008 [] Consent [] Regular
[] Workshop [X] Public Hearing

Department:

Submitted By: Engineering and Public Works
Submitted For: Land Development Division

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: A Resolution abandoning an unimproved road described as the west fifteen (15) feet of a portion of Tracts 48 and 49, Block 7, Palm Beach Farms Company Plat No. 1, as recorded in Plat Book 2, Pages 26-28, Public Records of Palm Beach County, Florida.

SUMMARY: This petition site is located approximately 1.5 miles north of Atlantic Avenue, on the east side of State Road 7. The petitioner is requesting the abandonment to utilize the unimproved road.

District 5 (PK)

Background and Policy Issues: The owner is the Solid Waste Authority (SWA) of Palm Beach County. The platted public road within Palm Beach Farms Company Plat No. 1 was designed in the early 1900's. The design and dimension is not compatible with the site plan. On October 24, 2007, the SWA received approval by the Board of County Commissioners for a zoning map amendment to allow a solid waste transfer station (Petition/Control Number 2005-140). The SWA wants to clear the record in order to utilize that portion of the unimproved road.

Utility service providers have no objection to the vacation.

Privilege Fee Statement:

In accordance with the exemption in the Right-of-Way Abandonment and Plat Vacation Ordinance 86-18, as amended by Ordinance No. 2002-034, governmental agencies are exempt from the privilege fee.

Attachments:

1. Location Sketch
2. Resolution with Legal Description and Sketch

Recommended by: [Signature]
Division Director

5 June 08
Date

Approved by: [Signature]
County Engineer

7/2/08
Date

. II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2008 | 2009 | 2010 | 2011 | 2012 |
|-------------------------|-----------------------|-----------------------|-----------------------|-----------------------|----------------|
| Capital Expenditures | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> |
| Operating Costs | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> |
| External Revenues | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> |
| Program Income (County) | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> |
| In-Kind Match (County) | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> |
| NET FISCAL IMPACT | <u><u>-0-</u></u> | <u><u>-0-</u></u> | <u><u>-0-</u></u> | <u><u>-0-</u></u> | |

ADDITIONAL FTE

POSITIONS (Cumulative) _____

Is Item Included In Current Budget? Yes _____ No _____
 Budget Account No.: Fund _____ Agency _____ Org. _____ Object _____
 Program _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

No additional fiscal impact as a result of this item.

C. Departmental Fiscal Review: R.D. Ward 6/11/08

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

A. Willhite 7.8.08
 OFMB SN 7/8/08 CN 7/3/08

Don J. Jacob 7/9/08
 Contract Dev. and Control
 E. Jone 7/9/08

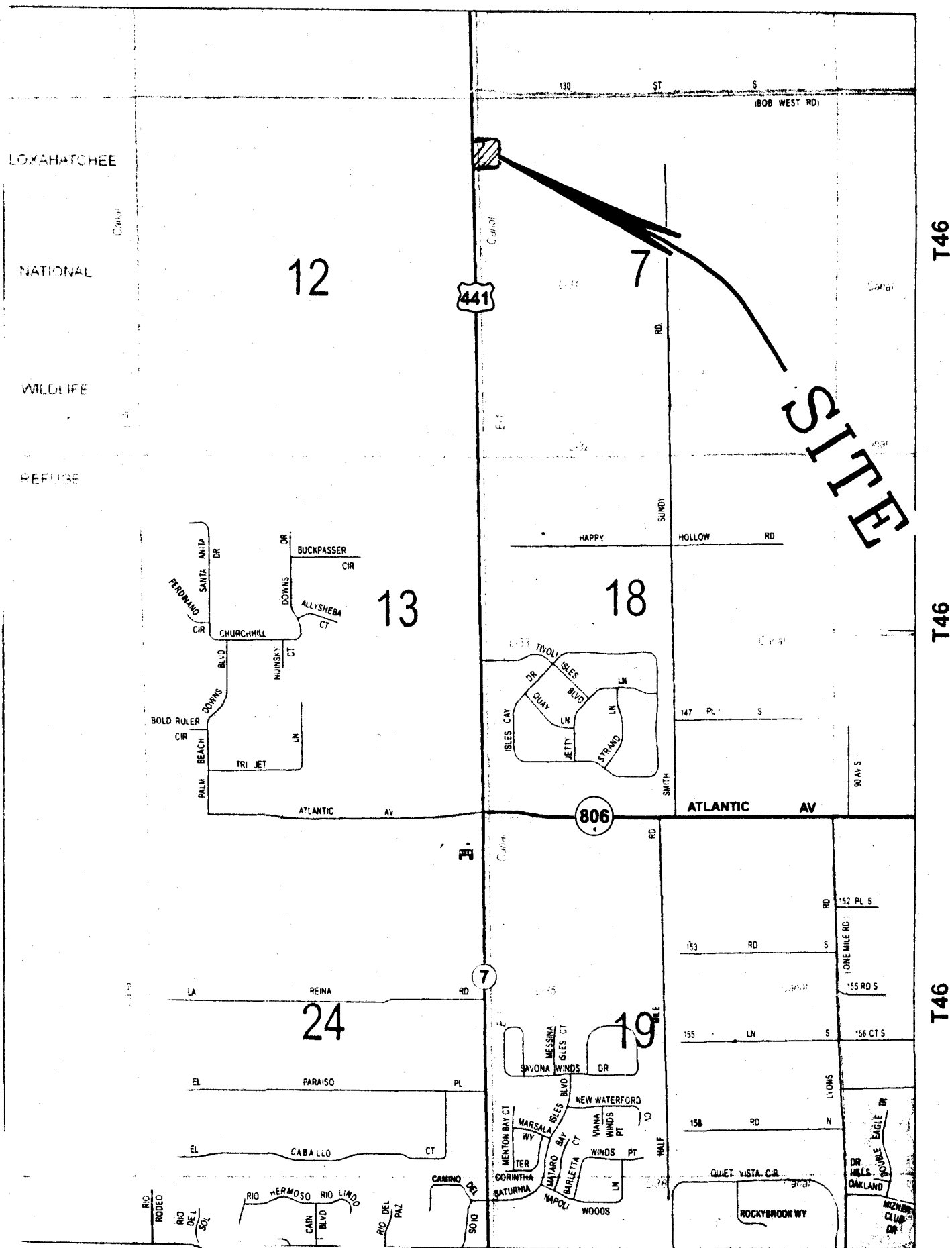
B. Legal Sufficiency:

Paul F. J. 7/10/08
 Assistant County Attorney

C. Other Department Review:

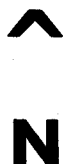
 Division Director

This summary is not to be used as a basis for payment.



**ABANDONING UNIMPROVED ROAD DESCRIBED AS THE
WEST 15' OF A PORTION OF TRACTS 48 & 49, BLOCK 7
PALM BEACH FARMS COMPANY PLAT NO. 1
PLAT BOOK 2, PAGES 26-28**

LOCATION SKETCH



RESOLUTION NO. R-2008-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ABANDONING AN UNIMPROVED ROAD DESCRIBED AS THE WEST FIFTEEN (15) FEET OF A PORTION OF TRACTS 48 AND 49, BLOCK 7, PALM BEACH FARMS COMPANY PLAT NO. 1, AS RECORDED IN PLAT BOOK 2, PAGES 26-28, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, pursuant to authority in Section 336.09, Florida Statutes, and Ordinance No. 86-18 known as the Palm Beach County Right-of-Way Abandonment and Plat Vacation Ordinance, as amended, and the petition of the Solid Waste Authority, called a public hearing to be held in the County Commissioners' Chambers, at the Governmental Office Complex, West Palm Beach, Florida, on July 22, 2008, to consider and determine whether or not Palm Beach County would vacate, abandon, discontinue and close, renounce and disclaim any right or interest of the County to the unimproved road; and

WHEREAS, in accordance with Ordinance No. 86-18, as amended, notice of the holding of such meeting was duly published in the Palm Beach Post on July 1, 2008; and

WHEREAS, this Board, did hold said hearing as advertised and determined that such action will not materially interfere with the County Road System and will not deprive any person of a reasonable means of ingress and egress from at least one County, State or Federal highway.

RESOLUTION NO. R-2008-_____

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby reaffirmed and ratified.
2. The unimproved road is hereby abandoned and closed as a public road right-of-way and this Board does hereby renounce and disclaim any right or interest of Palm Beach County and the Public in and to the unimproved public road right-of-way, more fully described in the legal description and sketch attached hereto and made a part hereof.
3. Notice of the adoption of this Resolution shall be published once in the Palm Beach Post within thirty (30) days of the date of adoption of this Resolution in accordance with Section 336.10, Florida Statutes and Ordinance No. 86-18.

RESOLUTION NO. R-2008-_____

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and, upon being put to a vote, the vote was as follows:

Addie L. Greene, Chairperson

John F. Koons, Vice Chair

Karen T. Marcus

Robert J. Kanjian

Mary McCarty

Burt Aaronson

Jess R. Santamaria

The Chair thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2008.

**PALM BEACH COUNTY, FLORIDA BY
ITS BOARD OF COUNTY COMMISSIONERS**

Sharon R. Bock, Clerk & Comptroller

BY: _____
Deputy Clerk

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

BY: _____
County Attorney



Wantman Group, Inc.

Engineering ♦ Planning ♦ Surveying ♦ Environmental

2035 VISTA PARKWAY, SUITE 100 WEST PALM BEACH, FL 33411

(866) 909-2220 phone (561) 687-1110 fax

CERT No. 6091 - LB No. 7055

JACKSONVILLE - ORLANDO - PORT ST. LUCIE - TAMPA

www.wantmangroup.com

DESCRIPTION & SKETCH

PREPARED FOR:

BROWN & CALDWELL

LEGAL DESCRIPTION:

THE WEST 15.00 FEET OF A PORTION OF TRACTS 48 AND 49, BLOCK 7, PALM BEACH FARMS COMPANY PLAT NO. 1 AS RECORDED IN PLAT BOOK 2 AT PAGES 26 THROUGH 28, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LANDS LYING AND SITUATE IN SECTION 7, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 49, BLOCK 7; THENCE ALONG THE WEST LINE OF SAID TRACT 49, NORTH 00°41'23" WEST, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID WEST LINE, NORTH 00°41'23" WEST, A DISTANCE OF 1296.12 FEET; THENCE DEPARTING SAID WEST LINE, NORTH 88°58'52" EAST, A DISTANCE OF 15.00 FEET, SAID POINT BEING ON THE EAST LINE OF THAT CERTAIN 15.00 FOOT WIDE ROAD AS SHOWN ON PALM BEACH FARMS COMPANY PLAT NO. 1 AS RECORDED IN PLAT BOOK 2 AT PAGES 26 THROUGH 28, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°41'23" EAST ALONG SAID EAST LINE OF THAT CERTAIN 15.00 WIDE ROAD, A DISTANCE OF 1296.07 FEET; THENCE DEPARTING SAID EAST LINE SOUTH 88°46'49" WEST, A DISTANCE OF 15.00' TO THE POINT OF BEGINNING.

CONTAINING 0.45 ACRES OF LAND, MORE OR LESS.

(NOT A SURVEY-DESCRIPTION AND SKETCH ONLY)

SURVEYOR'S NOTES

1. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC., THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

2. LANDS SHOWN HEREON WERE NOT ABSTRACTED BY WANTMAN GROUP, INC. FOR EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

3. DATA SHOWN HEREON WAS COMPILED FROM OTHER INSTRUMENTS AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.

4. ALL BEARINGS SHOWN HEREON ARE GRID BEARINGS, 1983 NORTH AMERICAN DATUM (1990 ADJUSTMENT), FLORIDA EAST ZONE. THE LINE FROM PALM BEACH COUNTY CONTROL POINT "LAUREL" AND PALM BEACH COUNTY CONTROL POINT "VITALITY" IS NORTH 01°01'27" WEST, AND ALL OTHER BEARINGS RECITED HEREON ARE RELATIVE THERETO.

5. WANTMAN GROUP, INC., CERTIFICATE OF AUTHORIZATION No. 7055, IS ISSUED BY THE FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION.

CERTIFICATION:

I HEREBY CERTIFY that the attached Description and Sketch is true and correct to the best of my knowledge and belief and that it meets the Minimum Technical Standards set forth by the Florida Board of Professional Surveyors And Mappers in Chapter 61G17-6, Florida Administrative Code.

For The Firm:
Wantman Group, Inc.

| | | | | | |
|-------|-----------|-----|--|-------|----------------------|
| DATE: | REVISION: | BY: | BY: | DATE: | 9/14/07 |
| | | | DEREK G. ZEMAN, PROFESSIONAL SURVEYOR AND MAPPER FLORIDA LICENSE NO. 5655 | | |
| | | | OFFICE | DWG | DATE 09/12/07 |
| | | | CHECKED | DGZ | SHEET 1 OF 2 |
| | | | | | JOB 206627.03 |
| | | | | | DWG 62700_15ft-Aband |



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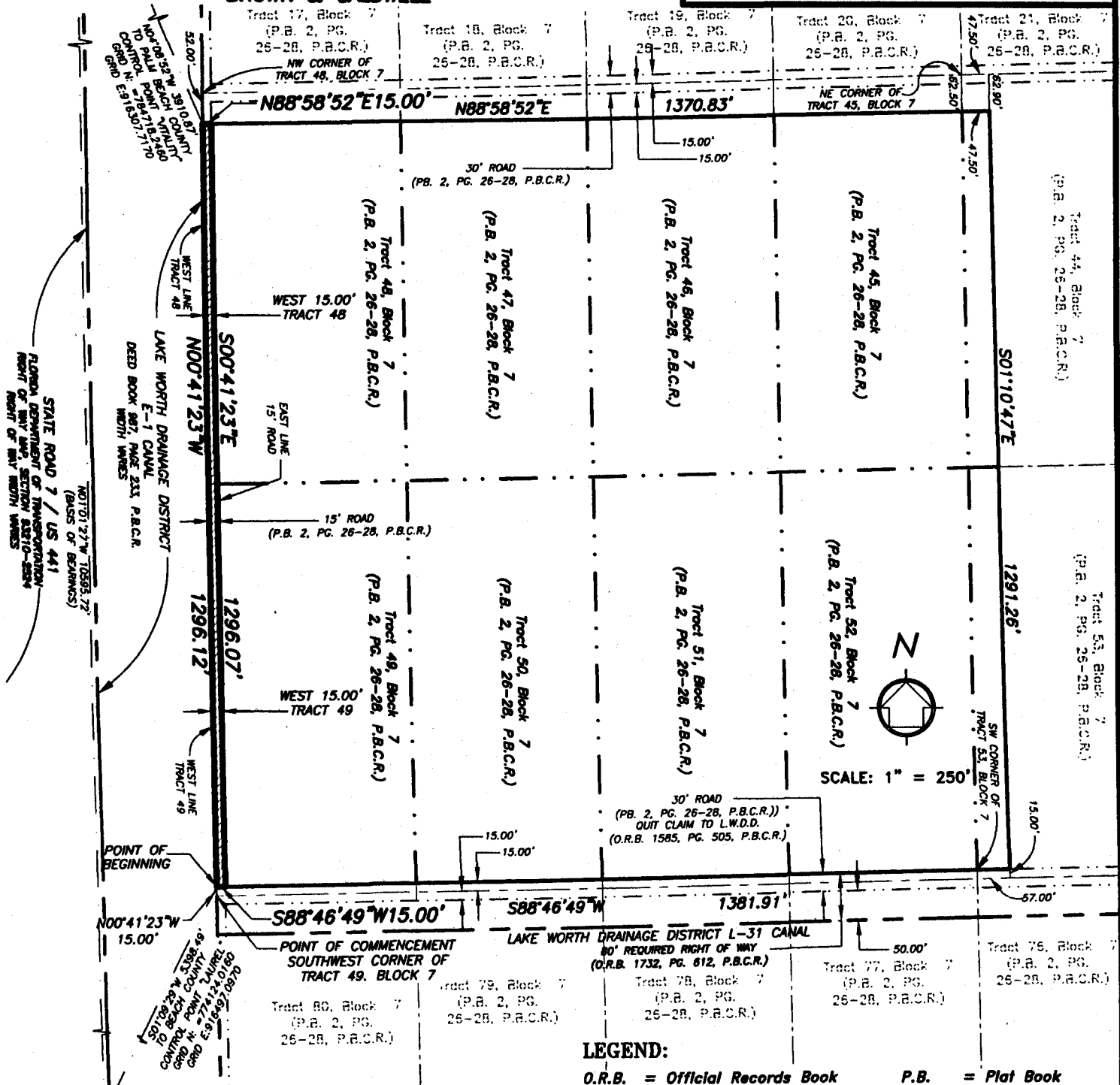
JACKSONVILLE - ORLANDO - PORT ST. LUCIE - TAMPA

www.wantmangroup.com

DESCRIPTION & SKETCH

PREPARED FOR:

BROWN & CALDWELL



LEGEND:

O.R.B. = Official Records Book

P.B. = Plat Book

P.B.C.R. = Palm Beach County Records

PG. = Page

(NOT A SURVEY-DESCRIPTION AND SKETCH ONLY)

DATE: REVISION: BY:

| | | | | | |
|---------|-----|-------|----------|-----|------------------|
| OFFICE | MRG | DATE | 09/12/07 | JOB | 206627.03 |
| CHECKED | DGZ | SHEET | 2 OF 2 | DWG | 62700_15ft-Aband |